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Report of the Secretary-General on the United Nations Support Mission in Libya

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2040 (2012), by which the Council extended the mandate of the United Nations Support Mission in Libya (UNSMIL) for a 12-month period. The present report fulfils the requirement to outline steps that are currently being taken by UNSMIL, after the General National Congress elections, to engage with the Libyan authorities to ensure that it continues effectively to support Libya's specific needs with a view to reviewing and adjusting its mandate as necessary. The present report covers major developments since my report of 1 March 2012 (S/2012/129) and describes the activities undertaken by UNSMIL in line with its mandate under Security Council resolutions 2009 (2011), 2017 (2011), 2022 (2011) and 2040 (2012).

II. Political and security developments

2. In the wake of successful national elections, the National Transitional Council handed over its functions to a democratically elected General National Congress. Nevertheless, Libya continued to face serious political and security challenges, with a resurgence of several local conflicts and increased instability in the east, which will constitute early tests for the new national authorities.

3. The successful elections on 7 July 2012 marked a significant step forward for Libya in its democratic transition. Amid the constraints imposed by a compressed electoral timetable, a volatile security environment and lack of previous experience in electoral administration, the elections were a remarkable achievement. With turnout estimated at slightly in excess of 62 per cent, some 1.77 million voters participated in this historic event, in a general atmosphere of pride and enthusiasm.

4. While the registration and campaign periods proceeded largely without incident, the week preceding the polls was marked by violence, mostly in the east. Grievances regarding the allocation of seats in the General National Congress were considered to be the main reason for disrupting the elections. On 1 July, simultaneous violent demonstrations took place at the offices of the High National Election Commission in Benghazi and Tobruk. On 5 July, an arson attack on the district warehouse in Ajdabiya destroyed the electoral materials for 46 polling centres. The Commission took immediate steps to reprint ballot papers, while

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polling centres that were unable to open on time remained open late on election day or opened the following day. On 6 July, on the eve of polling, a Libyan air force helicopter transporting electoral materials was fired on near Benghazi, killing one Commission staff member and wounding another. Three other people died on polling day in election-related violence.

5. Several attacks on polling centres in the east on election day did not deter voters from casting their ballots. Concerns that instability in several areas, in particular in Kufra and the Nafusa mountains, would impede the successful holding of elections proved unfounded. In Kufra, negotiations produced an agreement to enable delayed voting at two remaining polling centres on 10 July. The High National Election Commission also put in place special measures to accommodate internally displaced Tawergha, Tuareg and Mashashiya voters.

6. Concerned at the political and security developments in the east, the National Transitional Council published an amendment to article 30 of the Constitutional Declaration on 5 July. If confirmed by the General National Congress, the amendment would replace the constitutional commission to be appointed by the Congress with an elected body, in which 20 members from each region would be elected locally.

7. After no history of political party culture in the past four decades, a proliferation of political entities emerged in the run-up to the elections. Those entities faced challenges throughout the electoral process in registering, building coalitions, recruiting party candidates (especially women), defining political platforms and obtaining some degree of name recognition. A spirit of goodwill infused the campaign period and political entities largely abided by the code of conduct that UNSMIL helped to facilitate. The full preliminary results were announced on 17 July and the final results on 1 August, after complaints and appeals had been adjudicated by the High National Election Commission and the courts. The results showed that the National Forces Alliance, headed by the former Chair of the Executive Office of the National Transitional Council, Mahmoud Jibril, won the proportional race with 39 of the 80 seats, with the Justice and Construction Party coming second with 17 seats. It remains to be seen if and how the 120 individual members elected in the majoritarian race will align themselves with entities or blocs in the Congress.

8. In other positive indications of Libya's democratic transition, successful local council elections were held in Azawiyah, Benghazi, Darnah and other cities. Local elections for Tripoli, originally scheduled for May, were postponed.

9. With the announcement of the election results on 1 August, the focus has shifted to the next steps in the transition. The National Transitional Council handed over its functions to the General National Congress on 8 August and was dissolved. The inaugural session of the Congress was held on 9 August, at which it elected the head of the National Front Party, Muhammad Yusuf al-Maqarif, as its President. The United Nations assisted with the preparations for the inaugural session. Meanwhile, the interim Government is preparing to hand over its functions to the successor Government, which, according to the Constitutional Declaration, is to be formed within one month of the first meeting of the Congress.

10. During the reporting period, several local conflicts and tensions that predated the revolution resurfaced, exacerbated by opposing allegiances during the revolution. Some have escalated into armed conflicts involving the use of heavy weaponry.

11. On 26 March, fighting erupted in Sabha, in the south of the country, between Tabu brigades and an Arab brigade, leaving 147 people dead and approximately 500 wounded. A Government delegation was dispatched to lead negotiations for a ceasefire and the Libyan authorities immediately deployed troops from the Libyan army to secure the area and enforce the ceasefire.

12. On 21 April, fighting broke out in the south-eastern town of Kufra. The Libya Shield brigade, an auxiliary unit of the Libyan army, had been deployed to the area in February to enforce a ceasefire between the Tabu and Zwaya brigades. Further clashes erupted on 9 June between the Libya Shield and Tabu brigades, amid accusations that the former had compromised its neutrality by aligning itself with the Arab Zwaya tribe. This led to demands by the Tabu community for the brigade's replacement by Libyan army troops. This round of clashes left some 44 people dead and 150 wounded. A delegation from the Committee of Wise Men for Negotiation arrived to broker a ceasefire, but negotiations on its modalities were disrupted when fighting resumed on 29 June. The authorities dispatched an additional brigade to restore calm, while also beginning the withdrawal of the Libya Shield brigade from the area.

13. Tensions in the west, mainly relating to long-standing land disputes and rivalry between competing groups over border control, spilled into open conflict on 1 April between the towns of Zuwarah, on one side, and Al-Jumail and Riqdalin, on the other. Clashes ensued for three days until a ceasefire was secured. Approximately 48 people were killed.

14. Following an armed clash on 14 May between Arabs and Tuaregs in Ghadamis, resulting in 10 deaths, an estimated 1,600 Tuareg residents of the city were displaced to nearby Dirj. The Tuareg member of the National Transitional Council from Ghadamis resigned in protest at the perceived Government inaction to halt the fighting and to address the grievances of the displaced Tuaregs.

15. On 10 June, fighting broke out between the Zintan and Mashashiya tribes in the Nafusa mountains, leaving more than 70 people dead and 150 injured over a six-day period. A tentative ceasefire was brokered on 16 June. Libyan army troops were interposed between the towns of Zintan and Shagiga to create a buffer zone between the two communities, which have long-standing feuds relating to land issues and political rivalries.

16. The Government also faced disturbances resulting from discontent among some brigades, in particular following the decision to suspend payments to former revolutionary fighters while procedures were put in place to regulate the disbursement of funds. This discontent most notably manifested itself on 8 May in an altercation outside the offices of the Prime Minister in which one guard and one revolutionary fighter were killed.

17. In a major security breach in Tripoli, elements from the Tarhunah-based Awfia brigade stormed the airport on 4 June in protest at the abduction of their brigade commander one day earlier. No fatalities were reported. The Libyan army has since assumed responsibility for securing the outer perimeter of the airport, with the police overseeing internal security. This incident followed the handover of the airport by the Zintan brigade to the national authorities on 20 April.

18. The reporting period also witnessed an increase in attacks in the east against Government installations, in addition to a number of attacks directed at members

and premises of the international community. The latest wave of post-electoral violence in Benghazi included a series of targeted attacks against Government installations and former security officials in July and August, some of which coincided with the anniversary of the assassination in 2011 of Abdulfattah Yunis, the former Minister of the Interior who defected and took command of the revolutionary armed forces.

19. In the east, the Council of Barqah continued to pursue its federalist agenda and threatened to disrupt polling unless its grievances regarding the perceived marginalization of the region were addressed. On 26 May, it dispatched a symbolic detachment of its National Guard to the Wadi al-Ahmar area, which was later withdrawn. Subsequently, in a 48-hour ultimatum to the National Transitional Council, it threatened to take control of oil and other strategic installations if its demands went unmet. The election-related violence in the east referred to above was attributed to protesters believed to be affiliated to the Council of Barqah.

III. Activities of the Mission

A. Electoral support

20. The High National Election Commission displayed professionalism, transparency and flexibility in preparing for and administering the polls of 7 July, a feat for any organization but particularly remarkable for a body that had been in existence for fewer than 150 days at the time of polling. The accomplishment was not realized alone. The goodwill and cooperation of a wide variety of national actors, including the Government, the National Transitional Council, the security forces, political entities, candidates, civil society and voters, also contributed to the credibility and successful outcome of the process.

21. Of an estimated 3.2 million to 3.5 million eligible voters, more than 2.8 million, 45 per cent of whom were women, registered for the elections. The compressed timelines and very limited voter information notwithstanding, the registration process nationwide was deemed largely successful.

22. The vetting process conducted by the Integrity and Patriotism Commission resulted in the removal of 150 candidates from the final lists. A total of 2,501 candidates, including 84 women, participated as individuals in the majoritarian race, while 1,207 candidates, including 545 women, contested the proportional representation race for political entities. The election campaign, which ran from 18 June to 5 July, proceeded smoothly with no major incidents.

23. The election date of 7 July represented a delay of less than three weeks beyond the time frame for the holding of elections specified in the Constitutional Declaration. The delay was required for technical preparations and campaigning once candidates had been nominated and vetted. In addition to the operational and logistical demands associated with the short planning timeline, challenges were also encountered in the establishment of a clear legal and regulatory framework for electoral authorities, political groups, civil society and the media; the clear delimitation of the 89 electoral constituencies; and the provision of adequate information to voters, candidates and other stakeholders critical to the process.

24. Some 1.77 million Libyans, 39 per cent of whom were women, cast ballots in 1,546 polling centres around the country. Out-of-country voting also took place from 3 to 7 July in six countries, with more than 8,000 Libyans participating. Special provision was made for internally displaced persons. Over half of the internally displaced persons registered to vote cast a ballot.

25. More than 21,000 domestic observers and agents were registered to observe the polls and guard against irregularities, representing a substantial achievement in a country where civil society and political organizations had, until recently, been suppressed. Some 190 international observers from 10 organizations, including the African Union, the League of Arab States, the European Union and the Carter Center, monitored the elections. Public assessments by both domestic and international observers were largely positive and provided constructive recommendations for enhancing future electoral processes.

26. On 9 July, the High National Election Commission began to release partial results as they became available. On 17 July, the Commission made public the full preliminary results of the elections, beginning a 48-hour period during which results could be challenged before the courts. At the same time, the Commission and judicial authorities adjudicated final complaints regarding the process. Following the resolution of both appeals and complaints, the Commission announced the final results on 1 August.

27. As requested by the Libyan authorities, the United Nations Electoral Support Team, comprising UNSMIL, the United Nations Development Programme (UNDP) and the United Nations Office for Project Services, provided substantive advice, technical assistance and operational support to the Commission throughout the electoral process. Some 55 United Nations electoral advisers based in Tripoli, Benghazi and Sabha worked closely with the Commission and its 13 field offices. Complementary efforts were made in support of voter and civic education, partially enabled by a contribution of $1.9 million from the Peacebuilding Support Office. Those efforts helped to provide a foundation of knowledge and experience in democratic electoral processes that will continue to serve Libya throughout the transition and beyond.

B. Human rights, transitional justice and rule of law

28. Conflict-related detentions remained a major challenge in post-electoral Libya. Some 3,000 of an estimated 7,000 detainees are currently held in facilities run by the Ministry of Justice. A further 2,600 are held by military councils or supreme security committees and are therefore under some degree of State authority. This has made little difference to the plight of many who remain under the guard of revolutionary brigades and are vulnerable to mistreatment. Most have yet to be charged or released. UNSMIL continues to impress upon the Government that detaining persons outside a legal framework, in some cases for more than 10 months, is in serious breach of international human rights standards. The Mission has presented the Ministry of Justice with a strategy to fulfil its responsibility to address conflict-related detentions and has provided training to prosecutors in screening detainees. While the Ministry is implementing a more systematic approach to screening, its capacity in prison administration remains limited.

UNSMIL is coordinating a framework for international assistance to build the capacity of the judicial police, which is responsible for prison administration.

29. Cases of mistreatment or torture continued to surface during the reporting period. UNSMIL uncovered three deaths at the facilities of the Supreme Security Committee of Misratah, all of which occurred on 13 April as a direct result of torture. Assurances from Libyan officials that incidents of torture or mistreatment would be investigated and perpetrators duly punished have not been translated into effective action. UNSMIL continued to urge the Libyan authorities to address those cases, including through robust inspections of known facilities, the identification and closure of unknown facilities and investigations into cases of torture. In some instances, the Ministry of the Interior and/or local supreme security committees and military councils have conducted investigations and taken disciplinary action. The prosecutor's office in Misratah has opened a file on the deaths in custody and investigations are continuing. The head of the Supreme Security Committee of Misratah was dismissed following investigations conducted by the Ministry of the Interior into the deaths on 13 April of the three detainees referred to above.

30. Some progress was made in the reactivation of the Libyan judicial system. Almost all judges and prosecutors have reported back to duty. In most parts of the country, however, court sessions are not held regularly, except for family and civil law cases. In Benghazi and Darnah, incidents were reported in which brigades physically attacked court personnel and damaged court buildings. Prosecutors and judges continue to face threats and intimidation from brigades and, occasionally, from former regime loyalists. UNSMIL has promoted the reactivation of the court system and provided training to judges in electoral dispute resolution.

31. Steps are also being taken to strengthen the judiciary. On 26 May, the President of the Supreme Judicial Council issued a decree to establish a national committee to report on judicial reform. The 17-member committee is tasked with developing recommendations on restructuring the judiciary, its administration and legislative framework. UNSMIL has agreed to provide technical and advisory support to the committee and is also advising the Ministry of Justice in its review of the Penal Code. In addition, UNSMIL is advising the Office of the Prosecutor-General on the adoption of an overall strategy for the investigation and prosecution of past crimes.

32. On 5 June, proceedings began in the first trial of a senior official of the former regime: the former Director of the External Security Organization, Abu Zayd Dorda, who stands accused of ordering the use of live ammunition against demonstrators during the 2011 uprisings. On 24 June, Tunisia extradited the former Prime Minister, Al-Baghdadi al-Mahmudi, to Libya. Libya continued to make efforts to secure the extradition of Abdullah al-Senussi from Mauritania. The Government also continued preparations for the trial of Saif al-Islam Qadhafi, while its challenge to the admissibility of the case before the International Criminal Court remains pending.

33. To stimulate further public dialogue on transitional justice in Libya, in May 2012, UNSMIL, in partnership with the Governments of South Africa and Switzerland and the Libyan National Consultative Group, invited six international experts to the country, including former truth commissioners from Peru and South Africa, to share their experiences of fact-finding and reconciliation in their own countries. The experts met national stakeholders in Tripoli, Benghazi, Misratah,

Sabha and Zintan, where they highlighted the urgent need for genuine reconciliation based on just solutions that addressed the root causes of conflict.

34. In May, the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict issued a report highlighting the limited availability of support and services to victims of sexual violence in Libya, assessing the scope and scale of conflict-related sexual violence in Libya between February and October 2011, and underscoring other challenges, including the need for continued monitoring of sexual violence and to ensure accountability, reparations and redress for survivors.

35. On 14 June, the Supreme Court annulled Act No. 37, which had made glorifying Muammar al-Qadhafi a criminal offence and had been adopted by the National Transitional Council on 2 May. The law had been criticized by Libyan and international human rights organizations, and by UNSMIL, on the grounds that it violated freedom of speech. The Court found the law to be unconstitutional. Two laws granting amnesty remain in place, however. Act No. 38 grants amnesty for all acts performed by revolutionaries with the goal of promoting or protecting the revolution, while Act No. 35 grants amnesty for certain violations other than crimes committed by the family members and aides of Muammar al-Qadhafi. The United Nations has maintained that neither law should be interpreted or implemented in a manner that grants amnesty to those responsible for war crimes, crimes against humanity, crimes of sexual violence in situations of armed conflict and/or gross violations of human rights.

36. Members of civil society have taken an increasingly active role in promoting a human rights culture, including in monitoring and speaking out against abuses of detainees and other violations. The demand for capacity-building and skills training by civil society groups with regard to basic human rights remains high. From March to July, UNSMIL conducted a countrywide programme of basic training in human rights monitoring and documentation, including in Ajdabiya, Al Khums, Azawiyah, Benghazi, Bayda, Misratah, Sabha, Tripoli, Tobruk, Zintan and Zuwarah.

C. Public security

37. Public security continues to be the dominant concern for Libyans as they await improvements in law and order and a weapons-free environment. Key factors in restoring public confidence are the rebuilding of the security institutions, including the complex issues of integrating revolutionary brigades and fighters, making progress in the development of a coherent national security architecture that ensures civilian authority and oversight, and ensuring effective coordination of the security forces. UNSMIL has been working with the relevant security ministries and Libyan security forces to assist in the development of a national security strategy.

1. Police

38. In the lead-up to the election, UNSMIL police advisers focused on election security planning and the provision of immediate technical and advisory support to the Ministry of the Interior and operational advice to police units through the Mission's offices in Tripoli and Benghazi.

39. Following the request by the Libyan authorities for UNSMIL assistance with the planning of security for the General National Congress election, the Mission assisted in establishing an election security committee headed by the Deputy Minister of the Interior to coordinate the preparation and implementation of the election security plan. UNSMIL police advisers conducted field visits with the Ministry of the Interior to Al Khums, Al Aziziyah, Awbari, Azawiyah, Gharyan and Sabha to oversee the preparation and readiness for electoral security in those districts. UNMSIL police experts assisted in the development of an election security handbook and an electoral security training curriculum. Together with police advisers from several embassies based in Tripoli, a training-of-trainers course was conducted for approximately 700 police trainers, who in turn trained some 7,000 police officers involved in election security in Libya.

40. UNSMIL police participated in a training working group within the Ministry of the Interior and in designing strategies to enhance the effectiveness of police training centres. In May, UNSMIL provided to the Ministry of the Interior curricula for new cadets and for staff officers. Efforts are continuing to restructure the Police Directorate for Training and to organize in-service training for police officers.

41. UNSMIL developed a training curriculum for the integration of revolutionaries into the operations of the Ministry, including the police, to be carried out in Libya, Jordan and Turkey. A total of 1,600 ex-combatants were trained in Jordan. Some were found unsuitable and repatriated to Libya. UNSMIL proposed an integration plan to the Ministry of the Interior to ensure transparent selection, screening and deployment processes of candidates for future training programmes. In addition, more than 800 police cadets are taking part in a training programme of approximately seven months' duration in Turkey.

42. The monthly international coordination mechanism chaired by the Ministry and UNSMIL continued to assist the Ministry in the development of its priorities and plans and to coordinate bilateral offers of assistance from the international community.

2. Libyan defence forces

43. UNSMIL has worked with the Libyan authorities and liaised with international partners in an initiative to develop Libya's first defence white paper. The white paper will serve to identify the main risks and threats facing Libya, lay out the principal military tasks, doctrine and vision, and tackle issues of civilian democratic oversight, overall command and control, and the basic structure of the armed forces, including their relationships with the Ministry of Defence and the legislature. To this end, UNSMIL facilitated two strategic planning workshops, in May and July, with Libyan and international experts, including the Deputy Prime Minister, the Minister of Defence, the Chief of Staff, the Deputy Minister of the Interior, senior defence staff and representatives of other ministries. The exercise, which is intended to be carried forward by the new Government with extensive consultation, including with civil society, has become a catalyst for Libya's defence and security sector reform efforts.

3. Border security

44. In view of prevailing Libyan and international concerns over the smuggling of arms and drugs, human trafficking and illegal migration and the spread of

transnational organized crime throughout the Sahel, the protection of Libya's southern border remains a top national security priority. A Government decision late in February to develop an integrated southern border action plan with clear command and control responsibilities has yet to be implemented. UNSMIL continued to work with Libyan stakeholders and international experts to promote the development of an operational concept for border management with a view to galvanizing bilateral and multilateral assistance and minimizing the risk of fragmentation in the security sector. The integrated border management assessment recently completed by the European Union is expected to contribute to this exercise.

4. Arms proliferation

45. While the visibility of armed brigades in the streets has diminished over the past months, the clearance of landmines and explosive remnants of war and the accounting, safe storage and control of arms and ammunition remained key concerns in many communities. Through the United Nations Mine Action Service, UNSMIL has been working closely with the Libyan armed forces and a number of brigades to develop safe arms and ammunition storage areas. UNSMIL has worked with the armed forces and the Office of the Prime Minister to develop arrangements that would coordinate all Libyan and international efforts in the areas of mine action, small arms and light weapons, ammunition storage and related chemical and nuclear materiel.

46. Of most concern is the ordnance held by the brigades and individual former fighters, and the potential danger that they pose to Libyan society. Progress has been made by UNSMIL with key revolutionary units in Misratah, following presentations in which advice was provided on the safe storage and security of ammunition and weapons. The Mission has prepared a training package on small arms and light weapons awareness and worked with the Warriors' Affairs Commission for Rehabilitation and Development to implement some weapons registration. More recently, UNSMIL has been working with the Libyan army on storage facilities and stockpile management issues.

47. During the reporting period, some progress was achieved in planning the destruction of chemical materials and weapons. Libya submitted a plan to the Organization for the Prohibition of Chemical Weapons for the destruction of declared chemical materials, which have now been moved and centralized at the Ruwagha depot in south-eastern Libya. It is envisaged that the destruction of some 13 tons of bulk sulphur mustard stocks could resume before the end of 2012, while the destruction of munitions filled with mustard agent is expected to begin in March 2013.

5. Landmines and explosive remnants of war

48. Between April and July, the Joint Mine Action Coordination Team cleared 176,758 items of unexploded ordnance and explosive remnants of war. To date, several hundred farms have been searched and declared safe for resumption of economic activity. In addition, some 120 schools and almost 3,000 homes have been cleared. While the results have been significant, contamination remains high in Misratah, Sirte and the Nafusa mountain regions, where 27 clearance teams and 30 mine risk education teams continue to work.

49. Risk education efforts, coordinated jointly by the United Nations Children's Fund (UNICEF) and the United Nations Mine Action Service, continued, with more than 185,000 persons having received messages directly from risk education facilitators to date. The overall number of beneficiaries of these efforts is believed to be substantially higher, largely because of outreach through social media. In addition, UNICEF has supported training of teachers and master trainers of the Ministry of Education and has worked to integrate risk education in school curricula and textbooks. Risk education facilitator networks have expanded through the use of volunteer groups, including the Libyan Red Crescent and the Public Scout and Girl Guide Movement of Libya.

50. Humanitarian mine action continues to be limited by funding shortfalls. After some initial interest and support from donors following the launch of the mine action appeal in December 2011, support has waned. Recent proposals for support from the Government are pending a decision.

6. Integration, demobilization and reintegration

51. Together with the United Nations country team, UNSMIL continues to offer technical advice and facilitate international assistance to the Libyan authorities on integration, demobilization and reintegration issues, including to the Warriors' Affairs Commission for Rehabilitation and Development. Areas of joint action include civic education, media advice, disarmament and employment opportunities for revolutionary fighters. In June and July, in coordination with the World Health Organization and the Ministry of Health, UNSMIL deployed two experts from the Gaza Community Mental Health Programme to train approximately 175 personnel of the Warriors' Affairs Commission in psychosocial counselling and to evaluate further needs for capacity-building in referral services.

52. UNSMIL continued to coordinate and facilitate international efforts in the areas of integration, demobilization and reintegration, including through the creation of an international partners forum. On 2 May, the Warriors' Affairs Commission presented its programme to the international community, in the presence of representatives from the ministries of labour, planning and health.

D. Socioeconomic recovery and coordination of international assistance

53. On 11 March, the Government approved a budget of $52.3 billion for 2012, of which $14.6 billion was earmarked for development projects covering education, infrastructure, health and oil and gas.

54. Foreign companies and investors, seen as central to economic revival, have expressed interest in returning to Libya. Security concerns and potential challenges on the legal front have, however, discouraged many investors. In an effort to encourage their return, Libya hosted two concurrent international trade conferences, entitled "Infrastructure Libya 2012" and "Oil and Gas Libya 2012", from 23 to 26 April.

55. Following an official staff visit to Libya in May, the International Monetary Fund highlighted needs in the following areas: capacity-building of public finance mechanisms and institutions; improving the quality of education; rebuilding infrastructure; financial market development; reducing hydrocarbon dependence;

and putting in place an efficient social safety net. It also called upon Libya to set up a governance framework based on principles of transparency and accountability that would promote private-sector-led development, job creation and inclusive growth.

56. On 29 March, the Ministry of Planning hosted a meeting with the international community to present the Government's strategic plan. The meeting was co-chaired by the Deputy Prime Minister, the Minister of Planning and my Deputy Special Representative. As part of the strategic plan, the Ministry presented a framework for coordination between the Government and the international community. The framework links strategic policy coordination by the Office of the Deputy Prime Minister with operational coordination by the Ministry of Planning and implementation of technical cooperation activities with line ministries and other national stakeholders. It includes the creation of six sectoral working groups in the following priority areas: economic recovery; capacity-building; health and environment; education and scientific research; justice and human rights; and infrastructure and housing.

57. UNSMIL and the World Health Organization supported the ministries of planning and health in organizing two meetings of the health sector working group. The mapping of continuing and planned activities in the economic recovery and capacity-building sectors has been completed and the first working group meetings for these two areas are being planned. The meetings of the remaining sectoral working groups are expected to be held upon completion of the mapping processes. Such meetings provide opportunities for the Government and the international community jointly to identify areas in which additional international assistance is required.

58. The United Nations country team has aligned its plans with the Government's strategic plan by developing a common United Nations country team strategic framework. The revised framework was discussed at a workshop convened by the Ministry of Planning with Government line ministries and United Nations agencies on 29 July. A follow-up workshop is planned in mid-September to endorse the framework document.

E. Humanitarian situation

59. While some of the people displaced during the 2011 conflict have returned, the escalation of ethnic and tribal tensions and sporadic fighting in areas such as Ghadamis, Kufra, the Nafusa mountains and Sabha have resulted in fresh displacements of more than 25,000 persons, albeit mostly of a short-term and temporary nature. Overall, the number of internally displaced persons fluctuates between 65,000 and 80,000, primarily Tawerghas and other minorities who fear reprisals in their areas of origin.

60. Organizations including the Libyan Humanitarian Relief Agency, United Nations agencies and other national and international partners have continued to provide assistance while seeking to identify longer-term solutions, such as improved living conditions, access to schools, employment and other basic services, in addition to reconciliation between communities to allow their return to their areas of origin. Joint UNSMIL-United Nations country team missions were undertaken to Ghadamis and Dirj on 23 April, and to Zintan and Shagiga in the first week of July, to discuss community reconciliation and the peaceful resolution of disputes with local authorities and community representatives.

61. In the absence of a comprehensive legal framework governing their presence in Libya, irregular migrants and potential asylum seekers continue to be at risk of arrest, detention, deportation and exploitation with little legal recourse. While the Ministry of the Interior has gradually increased its control over some migrant detention facilities, many continue to be operated by different authorities without guidance or support. In the case of facilities in Gatroun and Umm al Aranib, more than 1,000 people, including women and children, endure overcrowding, food and water scarcity and poor sanitation. The Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and other organizations have responded with humanitarian assistance to these and other facilities. Early in July, several hundred migrants were deported to Chad without legal review and in difficult conditions, during which time two died.

62. According to estimates by the Office of the United Nations High Commissioner for Refugees, more than 1,300 people, including potential asylum seekers, children and pregnant women, attempted the dangerous sea crossing from Libya to Europe in 2012. Since May, more than 103 people have been declared dead or lost at sea attempting the journey.

IV. Deployment of the Mission

63. By its resolution 66/263, the General Assembly approved the Mission's human resource requirements of 272 civilian staff, comprising 177 international and 95 national staff members, and 15 Government-provided personnel to provide expertise in the area of policing and rule of law.

64. As at 10 August, a total of 168 UNSMIL international and national staff members had been deployed: 144 in Tripoli, 14 in Benghazi, 4 in Sabha and 6 at the Global Service Centre in Brindisi, Italy. The last-mentioned group continues to provide back-office support in line with the global field support strategy of the Department of Field Support.

V. Safety and security

65. The United Nations continued to operate effectively throughout Libya in the first half of 2012. Additional security concerns emerged during the second quarter, however. The international community sustained at least 10 attacks involving the use of improvised explosive devices, small arms fire and/or rocket-propelled grenades against its convoys, offices and compounds, mainly in Benghazi but also in Darnah, Misratah, Sabha and Tripoli. On 10 April, my Special Representative was the subject of one such attack on his convoy in Benghazi and, on 17 July, an UNSMIL convoy came under small arms fire outside Darnah. These attacks, which appear to have become more persistent, are thought to be the work of religious and/or political extremist elements. In recent months, United Nations vehicles have twice been hijacked in Tripoli.

66. In the light of the changing environment, the integrated United Nations security management system approach to the safety and security of United Nations personnel in Libya was further refined in April and June. Measures have been strengthened to protect United Nations personnel, in particular in the east.

VI. Future role of the Mission

67. By its resolution 2040 (2012), the Security Council requested me to report on steps taken by UNSMIL to engage with the new Government of Libya to ensure that it continued effectively to support Libya's specific needs, with a view to reviewing and adjusting the mandate as necessary. UNSMIL will continue to provide assistance that is responsive to the requests of Libyan counterparts in accordance with the principle of national ownership. In advance of the formation of the new Government and the opportunity to engage with new ministers, the following indications of the future role of UNSMIL must be regarded as provisional and subject to such engagement. These indications are based on the Mission's current mandate, which continues to be valid as it provides the Mission with the scope and breadth to prepare for a range of engagements that will probably be requested by the new Libyan authorities. UNSMIL will continue to be guided by the principle of effective coordination and will mobilize external expertise as required, based on comparative advantage.

A. Democratic transition

68. UNSMIL, together with UNDP, has offered support to the newly elected General National Congress, including induction training for members regarding their roles and responsibilities, development of internal rules and procedures and the establishment of a secretariat.

69. UNSMIL is preparing to support the Libyan constitutional development process. Given that this process must be led and owned by Libyans, all plans are contingent upon the desire of the constitutional commission for assistance. UNSMIL will offer a broad assistance package, including options for the General National Congress on the selection process, the early formation of a commission secretariat and draft rules of procedure, in addition to both induction training and continuing substantive expert assistance. UNDP is moving forward with public outreach plans, focusing on projects that provide basic civic education on constitutional issues and facilitate interaction between the Government and the public. The United Nations electoral team will support the constitutional referendum process and elections for a constituent assembly, if required.

B. Public security

70. Public security in Libya will be enhanced only if the new Government makes significant efforts to implement nationally owned security sector reforms. UNSMIL will strengthen its support in key governance areas, including the establishment of effective national security architecture and the reform and professionalization of the security forces and their respective ministries. It will continue to promote sustainable disarmament, demobilization and/or integration or reintegration programmes for ex-combatants and revolutionary brigade personnel. It will support national actors to define needs and priorities, to match them with assistance from the United Nations and other international partners and to coordinate the delivery of such assistance.

C. Arms proliferation and border security

71. UNSMIL will continue to offer its support to the Libyan authorities in ammunition and weapons management, including physical security, stockpile management and control, in addition to clearance of explosive remnants of war. In coordination with the European Union and bilateral partners, the Mission will continue to support efforts to tackle challenges relating to border security, including support to ensure an integrated and well-coordinated approach among all relevant Libyan entities. It will continue to support the implementation of the action plan adopted in March to boost regional border security.

D. Human rights, transitional justice and rule of law

72. Progress in the short term on key issues such as conflict-related detentions and the trials of former regime members is essential to building public confidence in the new Government's commitment to respecting the rule of law and human rights. UNSMIL will urge and assist the Prosecutor-General and relevant ministries to accelerate the processing of conflict-related detainees, to put in place protection measures to prevent and investigate torture and mistreatment in detention facilities and to devise a prosecutorial strategy to deal with the trials of senior former regime members. In the longer term, UNSMIL and the United Nations country team will lend strategic support in building the capacity of civil society to advocate human rights, in addition to developing policies and a framework to tackle gender-based discrimination and violence, including in relation to sexual violence. The Mission will work to support the new national authorities in articulating and implementing a coherent strategy on transitional justice that would provide a forum for the resolution of conflicts based on past grievances and enable victims to seek redress. It will continue to support the Ministry for Assistance to the Families of Martyrs and Missing Persons to strengthening its forensic capacity.

E. International coordination and partnerships

73. UNSMIL and the United Nations country team will continue to support the Government in its efforts to harmonize international support in such priority areas as democratic governance, security, disarmament, demobilization and reintegration, transitional justice, economic development and basic service delivery. UNSMIL, with its international partners, will step up its efforts to support the international coordination architecture established by the Government and will continue to promote the alignment of international efforts with national priorities and sectoral plans.

F. Mission approach

74. In the context of the transition from the interim Government to its successor, the Mission's concept of operations, based on attributes of responsiveness, flexibility and speed, remains valid. The Mission's small team of senior advisers continues to provide high-level technical advice and share comparative experiences in all mandate areas, bringing in targeted expertise from outside the United Nations

system when required, in response to specific requests from the Libyan authorities. UNSMIL and the United Nations country team are developing systems to allow for the rapid identification and deployment of civilian expertise that extends beyond in-country capacity. Such a response, which in many instances is required at short notice, is being implemented under the dual imperatives of national ownership and South-South cooperation. The United Nations civilian capacity approach in Libya is designed to be driven by demand and to foster the transfer of experiences and knowledge primarily from civilian experts from the region or other countries that have undergone similar transitions.

75. To effectively implement its concept of operations, the United Nations is further consolidating internal systems and processes, including through the establishment of a dedicated civilian capacity window in the Libya Recovery Trust Fund for ease of access by United Nations agencies. As the transition moves towards new milestones, however, the ability to adequately respond to Libya's priorities will require the active engagement of the Libyan authorities to consolidate and clarify their requests for assistance and a renewed commitment by the international community to coordinate bilateral interventions, reduce transaction costs and ensure coherence.

G. Safety and security of United Nations personnel

76. The current approach to the safety and security of United Nations personnel, which was confirmed in the biannual review of the country security risk assessment for Libya, held in July, has proved to be effective and will probably remain valid for the foreseeable future. Actual and potential security risks to United Nations personnel will continue to be identified and mitigated on the basis of a systematic analysis of the operating environment, the development of key contacts with Libyan counterparts, the strategic application of United Nations resources, a measured visibility and a unique approach to United Nations facilities management, staff deployment and movement within Libya.

VII. Financial aspects

77. By its resolution 66/263, the General Assembly approved an amount of $36,039,100 for the Mission for the period from 1 January to 31 December 2012, to be charged against the provision for special political missions appropriated under section 3, political affairs, of the programme budget for the biennium 2012-2013.

78. The resource requirements on the Mission for 2013 will be submitted as part of the 2013 budgets for special political missions.

VIII. Observations and recommendations

79. The General National Congress elections on 7 July marked a major milestone in Libya's transition towards a modern democratic State and drew to a close decades of autocratic rule. I express my admiration for the determination, courage and pride with which the Libyan people went to the polls. In this regard, I wish to commend the High National Election Commission for its professionalism, transparency and

flexibility in administering the polls, given the time constraints, the volatile security environment and the dearth of experience in electoral administration. The success of these elections, including in the east of the country, where strongly entrenched feelings of marginalization proved a major challenge in the lead-up to the polls, provides a unique opportunity to channel the growing debate on representation and governance structures through political dialogue and an inclusive constitution-making process.

80. The task of carrying the political process forward rests with Libya's leaders. I encourage them to display the same spirit of determination and courage that their people have shown to ensure a smooth and successful transition beyond the revolutionary phase and begin the process of rebuilding their country. I urge them to take swift and decisive steps to form a new Government that is inclusive, broadly participatory and enjoys the support of the Libyan people. Progress in this regard will allow for immediate challenges to be tackled effectively, including the difficult process of building strong, accountable and modern State institutions, the collection of arms and the integration of revolutionaries into security institutions. This will help to put the country on the path towards democracy, national reconciliation and long-term stability.

81. Post-revolution Libya has afforded women and young people the long-awaited opportunity to be part of this political process. The electoral process helped to galvanize women as voters and candidates and to energize a growing civil society movement, which is now mobilized to contribute to Libya's continued democratic transformation and to advocate political and human rights.

82. The new Libyan authorities will face significant challenges and a heavy legacy from the former regime as they endeavour to tackle illegal migration and smuggling, border control, the proliferation of weapons, reversing policies of long-standing discrimination against minority communities and national reconciliation. The periodic fighting between various communities is a stark reminder of the urgent need for a structured and concerted effort by the State towards national reconciliation, and issues relating to transitional justice and the rule of law.

83. I remain deeply concerned about the length of detention and treatment of detainees in Libya. I urge the country's leadership to accelerate measures to deal with this issue and, in particular, to charge or release conflict-related detainees, so that no one is held outside the framework of the law. The conditions of migrants and third-country nationals in detention also need urgent improvement, and a new policy framework must be developed to regulate migrant labour in a manner that can benefit Libya and its neighbours while respecting the human rights of migrants. Cases of mistreatment and torture in detention should be investigated and perpetrators held accountable. The drafting of a new constitution represents an opportunity to ensure that the fundamental rights of individuals are both protected and enforced by strong State institutions. Strong rule of law institutions are essential to Libya's future as a democracy.

84. The time is ripe to implement an effective strategy to tackle the crimes of the past. While the recent commencement of trials of former senior regime figures is a welcome development, there should be safeguards to ensure that the trials are conducted fairly and transparently. There is also a need for a truth-seeking process that is victim-centred and socially dynamic, led by individuals who are representative of the diverse composition of Libyan society. The process should culminate in

reparations, reconciliation between communities and recommendations for reform. An effective transitional justice strategy will help to consolidate democracy and rebuild trust in State institutions charged with enforcing the rule of law.

85. The early signs of Libya's transformation to a democratic State where the rule of law prevails are positive, but security remains fragile, with several security forces exercising coercive force. Differing tribal, regional and criminal interests are likely to persist and compete for political and economic power, while the continuing threat posed by the large numbers of available weapons and ordnance could undermine the public's sense of security and its confidence in the capability of the Libyan security forces.

86. The successful demobilization and integration or reintegration of former fighters is important, but will depend on the achievement of broad public and political consensus in several priority areas, which may be difficult in the near term. There will be a need for consensus on national security architecture and on the implementation of meaningful defence and police reform programmes. Such programmes must be able to demonstrate to the Libyan population that the State's security forces are under democratic civilian control, are professional and effective and will be held accountable for their actions. This is a heavy task for a country that has little tradition in these critical matters and will need to be underwritten by new legislation. Strong political commitment by the new Government, backed by a united approach from the international community, provides the best chance of success, but both may prove difficult to achieve in a contentious environment.

87. The fragmented domestic security situation remains an obstacle to the establishment of effective border security and counter-trafficking and counter-terrorism mechanisms, in addition to controls over the acquisition of materiel by security forces and the broader population. Failure to promptly meet these concerns will make the task of security sector reform and restructuring more difficult. In dealing with this fragile security situation, I call upon the Security Council to join me in encouraging regional organizations and Member States to support the Mission's coordination role. Its advisory approach has proved successful to date and should be continued, but must be complemented by a flexible and timely ability to swiftly assemble international expertise capable of providing Libya with the right advice at the right time.

88. In a context of immense challenges and numerous priorities, the Government needs time and capacity to articulate a vision for the full range of support that it requires from the international community. It is expected that requests for support will be formulated gradually on the basis of emerging needs. For its part, the international community needs to ensure that assistance provided to Libya is harmonized and consistent, corresponding to Libyan priority needs. This requires strengthening the international community's engagement in the coordination structures jointly established by the Government and the international community and supporting Libyan efforts to coordinate international assistance so that adequate and timely support is provided to the new Government in its State-building efforts.

89. Libya now stands at another key moment in forging its future. It has shown the international community, beyond dire predictions, the capacity of its people to rise to immense challenges. The United Nations and the international community must again support Libya's new political and civil society leaders in the next phase of its transition.

90. In closing, I commend the Libyan authorities and the Libyan people for their efforts in consolidating their democratic transition, in particular the historic elections of 7 July. I wish to thank the National Transitional Council and the interim Government for their close cooperation and collaboration with the United Nations. I am grateful to the people of Libya for their support to the United Nations. I thank all those international development partners, regional organizations and others who have supported the Libyan people in their efforts to secure peace and stability. I wish to extend my sincere appreciation to the staff of UNSMIL and the United Nations system for their continued efforts to support Libya's transition under the leadership of my Special Representative, Ian Martin. Lastly, I thank Mr. Martin for his exemplary service in support of the Libyan people and in leading UNSMIL.